



**Traditional Court Model**

I got hit



He did it



No I didn't



Ok. Let's have a trial

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**DV in the Traditional Court Model**



Nothing happened  
Everything is fine  
What's wrong with you?

Prosecutor's  
table



So what is the truth?

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**Traditional Court Credibility  
Tools**

- Relationship of parties
- Bias, motive, interest in outcome
- Consistency of testimony  
Frankness/evasiveness
- Reasonableness of testimony
- Appearance on witness stand

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### Consistency of Testimony

**Statement to police:**

"Today at 7:30 I was assaulted by my fiancé. I told him I was leaving. He did not want me to leave. He told me I was not leaving, threw me on the bed. I got him off me, ran downstairs to call the police and he put me in a headlock told me he was going to break my neck."

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### Consistency of Testimony

**Victim trial testimony:**

"I don't feel that my fiancé assaulted me. I was believing he did but not because he did. My emotional state has caused me to panic to freak out to where my chest was beating right into my shirt but not because of what he did to me ..."

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### Consistency of Testimony

**Victim trial testimony:**

"... he did not cause me bodily harm. I used to be an addict; I was in an unhealthy relationship with another man 10 years ago who beat me with a bat. My fiancé was only trying to help me. He never hurt me."

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Vermont 2008-2013

**8693 Misdemeanor DV charges filed** 131 (1.5%) went to trial 91 (70%) acquitted 40 (30%) convicted

**3383 Felony DV charges filed**

77 (2.3%) went to trial  
52 (67.5%) acquitted  
25 (32.5%) convicted

\*Vermont Center for Criminal Justice Research

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Traditional Court Attention

*Door #1 Criminal:* Bail/Release Conditions, Stay Away Orders; Sentence: Probation, . Parole, Furlough Conditions

*Door #2 Protective Order (non-crim)* Stay Away orders, Child Custody/Contact

*Door #3 Family:* Divorce, Parentage; Child Custody/Visitation — Parent Contact

*Door #4 Juvenile:* Neglect/Delinquency

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Traditional Court Attention

Different days

Different courtrooms

Different judges

Different orders &

Critical info **not** shared

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Traditional Criminal Court Gateway  
to Services - Community

Criminal Cases: Only Once Sentenced  
*How Long Does it Take?*

Vermont 2008-2013  
Averages: Misdemeanor  
cases: 5 months Felony cases:  
7 months

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Change?

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The Integrated Model  
Bennington IDV Experience

**I. Holistic Approach/ Resolution by  
Collaboration not Litigation**

- Gather all relevant available information  
at one time
- Combine Prot.order, Criminal (misd),  
Family 1 day 1 court 1 judge —  
consistent message & orders
- All players at table at same time
- Legal representation for all

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The Integrated Model  
Bennington IDV Experience

**II. Early Resolution**

- Resolve cases early: Goal 1-2 weeks from event
- Early assessments — determine appropriate service needs for Risk, MH, Sub Abuse, Type of Abuse, Children — to determine most appropriate court case outcome (ie: probation conditions)  
Leading to.....

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The Integrated Model  
Bennington IDV Experience

**III. Early Access to Appropriate Services**

- Quick and appropriate connection with services and community supports for all

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The Integrated Model  
Bennington IDV Experience

**IV. Compliance & Supervision**

- Swift and Certain sanctions for probation violation — immediacy of consequence
- Specialized probation warrant
- Clear language & expectations

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**The Integrated Model**  
Bennington IDV Experience

**V. Procedural fairness**

Incorporate essential components of procedural fairness from parking lot through hearings and out again

Meaning .....

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**Procedural Fairness**

People (*both sides*) evaluate fairness based on whether they felt that:

- They were treated with respect
- They had an opportunity to tell their story
- They understood what was going on
- The decision-maker was trying to be fair

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**Improves Decision Acceptance**

Procedural fairness is the *rima* factor

Procedural fairness

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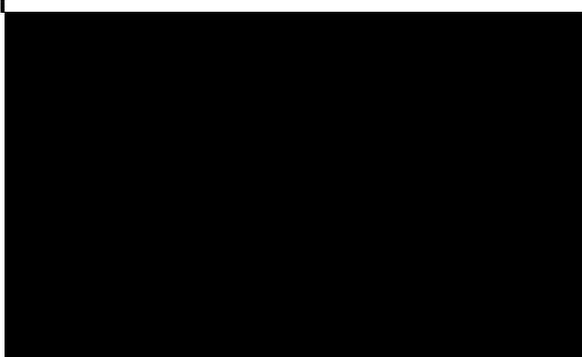
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Outcome favorability



Procedural fairness

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### Improves Compliance

Tyler Studies: 1650 Ca. citizens with justice system interaction:

) Procedural fairness increases compliance with orders

> Increased compliance means:

° Reduced criminal recidivism

° More defendants complete court mandates

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### Minnesota Experience

*May 2004 report Hennepin County, MN 307 Protective Order separate domestic abuse cases.*

*Survey 378 litigants, 196 (52%) of which were petitioners, 182 (48%) of which were respondents.*

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### Minnesota Experience

- Litigants who gave high procedural fairness ratings more likely to say they would comply with the court orders

*Particularly* for those litigants with an unfavorable outcome.

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### Procedural Fairness - IDVD

**All players on same pacie**

- I Courtroom/courthouse/outside
- %/Security staff/screeners at door
- I Court staff at counter/on phone
- I Transport officers, lawyers, probation officers, advocates, judge & then
- 1 Service providers & community supports

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### Procedural Fairness - IDVD

**Facility/environment supports**

- 1 Courthouse environment: Safety, No intimidation anywhere — litigants or family/friends (p-lot thru courtroom)
- I Staggered court arrival times; structure traffic flow & courtroom;
- I Respectful, but clear LEO presence

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## Procedural Fairness - IDVD

### **Recognize reality of the individuals**

What % of couples with allegations of domestic violence who come to court will not be or not stay apart?

### **70% - Bennington IDV**

*If goal of system is to force and enforce separation each time —we will fail and lose those who could/would seek our help*

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## The Integrated Model Bennington IDV Experience

So goals were: Address **Individuals**

4. To provide for safer and healthier relationship where both choose to remain together
- To provide for safer and healthier separation when either chooses it
- + **To decrease any child's exposure to any form of violence upon or by parent**

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## So What Happened? Bennington I DVD 2007-2010

Research Reports released 12/11 & 2/13  
**+New DV Offense: 4.3%** (42% decrease from statewide)  
**+New Violent Offense: 6.4%** (38% decrease from statewide)  
**+New Violation of Crt Order: 5%** (no statewide data)

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### Bennington - IDV Experience

And what was completely unexpected:

Those DV defendants who resolved in IDV were more than **50 %** less likely to commit **any** new crime over 3 year study period than similar DV offenders statewide

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### Bennington - IDV Experience

> Incident to court disposition: 28 day median > **Near 5 times faster than statewide (08-13)**

> **Decreased** amount of jail time  
Short detention = fewer revocations

> Cost/benefit latest: at a minimum each \$1 invest in IDV = \$2 community benefit

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### Check it Out

- <http://www.vcjr.org/reports>
- "Procedural Fairness, Swift and Certain Sanctions: Integrating the Domestic Violence Docker; National Center for State Courts "New Trends in State Courts, 2013" <http://www.ncsc.org>

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Thank You!!

Anytime!!!

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